



# Schoharie County Planning Commission

349 Mineral Springs Road  
Cobleskill, New York 12043  
(518) 234-3751 / Fax (518) 234-3951

Cathie Ryder  
Chair

January 4, 2010

**Present:** Richard Bates, Michelle Boreali, Dale Terrell, Cathie Ryder, Kathryn Sorrentino, and Denise Lloyd

**Absent:** Peter Shulman, Sally Ann Anderson, Mary Ann Larkin, Arthur Graulich, and Phyllis Chianucci

**Also Present:** Lillian Bruno

The meeting was called to order at 7:31 p.m. by Chair Cathie Ryder

The minutes from the December 8, 2009 meeting were reviewed. Denise Lloyd made a motion to approve the minutes. Dale Terrell seconded and the motion passed unanimously.

**Item I on the agenda was reviewed.** The Town of Cobleskill Town Board had submitted a referral for a zoning map amendment. Howe Caverns petitioned the Town Board to have parcels 58-2-21.2 and 58-1-10.1 which are currently zoned R-R be zoned B-2; and that portions of 58-1-12.1 that is currently R-R be zoned B-2. The zoning map change would encompass the entire Howe Caverns property in the B-2 zone, except for an approximate 9.0 acre parcel that is used for mining. The Schoharie County Planning and Development Agency received a letter on January 4, 2010 from John Holmes, Attorney for Howe Caverns, stating that Howe Caverns is requesting that the pending application to re-zone the parcels of land from R-R to B-2 be tabled until such time as a site plan for its expansion project is filed with the Town. The Commission reviewed this letter and decided as a group to remove this referral from the January 4, 2010 County Planning Commission Agenda until all information is provided by the applicant. The Commission felt this was appropriate because the applicant's attorney decided to table this re-zoning referral with the Town of Cobleskill it would be premature for the Commission to review this referral without all the pertinent information.

**Item 2 on the agenda was reviewed.** The Village of Cobleskill Village Board referred the Village of Cobleskill Zoning Law and Map Amendment. The applicant (Village of Cobleskill) is enacting a local law to create a new zoning district- MU3; Mixed Use 3 and simultaneously update the Village's Zoning Map to reflect this amendment. The County Planning Commission members received this documentation prior to this meeting to provide adequate review of all materials. Michelle Boreali made a motion that the referral does have significant countywide or intercommunity impact due to compatibility of various land uses with one another and based on the impact on official municipal and county development policies as may be expressed through comprehensive plans, capital programs or regulatory measures. Denise Lloyd seconded and the motion passed unanimously. The Commission reviewed all materials submitted. It was discussed that the Village of Cobleskill plans on working with Brian Fleury, Schoharie County GIS Specialist to make the appropriate map amendments. There was discussion if this zoning amendment would be considered 'spot-zoning'? The Commission was read the definition of spot-zoning and determined this is a gray area because spot-zoning is usually a change

of one parcel. This proposed zoning amendment would encompass four (4) parcels. It was also discussed that this proposed amendment would help make a non-conforming use become conforming. Michelle Boreali made a motion to recommend approval. Richard Bates seconded and the motion passed unanimously.

**Item 3 on the agenda was reviewed:** The Town of Esperance Town Board referred Local Law #2 of 2010. The applicant (Town of Esperance) is requesting to extend their existing six (6) month moratorium on Wind Energy Facilities for an additional seven (7) months to ensure that they have an adequate law in place. It was discussed that New York State does not have concerns with moratorium extensions as long as a municipality can demonstrate that they are actively working on a law. It was discussed that the Schoharie County Planning and Development Agency is assisting the Town with this endeavor and the Town is making progress. It was discussed that it appears the Town has no potential projects; they would just like to be proactive in their planning process. Denise Lloyd made a motion that the referral has significant countywide or intercommunity impact. Kathryn Sorrentino seconded and the motion passed unanimously. The Committee reviewed all documents referred with the application. Michelle Boreali made a motion to recommend approval for the proposed Local Law #2 of 2010 and would like the Town to realize that it appears that the original moratorium has expired prior to the adoption of the extension. Richard Bates seconded and the motion passed unanimously.

### **Local Concerns:**

Four referrals were deemed to be local concerns by Planning and Development staff in December. The referrals are as follows:

- 1 Subdivisions(Borst – Town of Schoharie)
- 2 Site Plan( Dave's Towing and Auto Repair – Town of Carlisle and McAllister Demolition - Village of Cobleskill)
- 1 Local Law(Local Law 1 of 2010 – Town Of Esperance)

### **Other Business:**

1. There was discussion that a new Commission member, Peter Shulman, from the Town of Fulton was approved by the Board of Supervisors to fill the vacancy that occurred in December.

Michelle Boreali made a motion to adjourn the meeting at 7:52 p.m.

Recorded by:

Lillian Bruno